

AGENDA ITEM 14

August 4, 1998

Action

## MEMORANDUM

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: Action: Bill 45-97, Collective Bargaining - Amendments

**Management and Fiscal Policy Committee recommendation (3-0):  
disapprove Bill 45-97.**

For details on the bill and issues it raises, see the attached Committee packet.

At its July 30 worksession, the Management and Fiscal Policy Committee separately considered both parts of Bill 45-97, the service contract provision and the collective bargaining amendments. No representative of the Municipal & County Government Employees Organization (MCGEO), whose attorneys originally drafted Bill 45-97, attended the worksession, and Executive branch representatives attended only to serve as technical resources. With respect to each part, the Committee voted unanimously to recommend disapproval.

With respect to the service contract provision, Committee members expressed strong reservations about the detailed procedures that the bill mandates, and the opportunities for extended litigation and delay of government procurements that would ensue. Committee members agreed that much of what the bill seeks to do could be accomplished under current laws and procedures without the excessive restrictions that it calls for.

With respect to the collective bargaining amendments, Committee members opposed extending binding arbitration to non-public safety employees. Councilmember Potter emphasized that binding arbitration generally diminishes the willingness of employee organizations to reach agreement.

The Committee did not have the opportunity at its worksession, because other items took more time than anticipated, to review the detailed collective bargaining amendments in Bill 45-97, several of which (in addition to binding arbitration) would

make very significant changes in the current bargaining process. If the Council does not reject this bill as the Committee recommends, but rather approves either or both parts of it in concept, the Committee recommends that the Council remand the bill to it to further consider the specific amendments, after providing any direction the Council finds appropriate.

In any case, if the Council is inclined to approve the binding arbitration provisions, they should be amended to reinstate the Council's approval power over the resulting collective bargaining agreement. This can be done in "quick and dirty" fashion by deleting all brackets from ©18, line 292 to ©20, line 331; moving ©20, lines 332-340 to ©18, line 292; and relettering subsections accordingly.